IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 14592 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DAMAYANTIBEN PRAHLADRAI THAKKAR

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 14592 of 2003

MR BP GUPTA for Petitioner No. 1

MR S.N. SHELAT, A.G. with MS MAITHILI MEHTA, A.G.P. for Respondent No. 1,3

MR RM CHHAYA for Respondent No. 2

MR YS MANKAD for Respondent No. 4

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 20/07/2004

ORAL JUDGEMENT

1. RULE. Service of rule is waived by learned A.G.P. Ms Maithili Mehta for respondents nos. 1 and 3, by learned advocate Shri R.M. Chhaya for respondent no.2 and by learned advocate Shri Y.S. Mankad for respondent no. 4. At the request of the learned advocates and looking to the facts of the case, the petition is finally heard together.

2. The grievance ventilated in the petition by the petitioner is about removing her from the place, where she was doing her business near Jubilee Circle in Bhuj. The petitioner has made a grievance that she was a tenant of respondent no.4 and was doing her business of running a restaurant in a lawful manner, but the respondent authorities have removed her restaurant so that a road can be constructed at the place, where she was doing her business.

3. It has been submitted by learned advocate Shri R.M. Chhaya appearing for respondent no.2 that if the petitioner selects a particular shop in one of the shopping complexes to be constructed by respondent no.2, as per policy of respondent no. 2, priority shall be given to the petitioner in the matter of allotment of shops and the petitioner shall be allotted a shop at the price which might be offered by the highest bidder at the auction for the shop, even if the petitioner does not bid at the auction, provided the petitioner applies for a shop in a particular shopping complex.

4. Looking to the aforestated statement made by learned advocate Shri R.M. Chhaya appearing for respondent no. 2, it is directed that the petitioner shall submit an application to respondent no.2 stating details about the shop, which the petitioner would like to have so that at the time when the said shop is to be disposed of by respondent no.2, case of the petitioner can be duly considered by respondent no.2. The petitioner shall submit an application to respondent no.2 as soon as possible and preferably before 19th August, 2004.

5. In view of the above statement made by learned advocate Shri R.M. Chhaya, in pursuance of instructions received from an Officer of respondent no. 2, learned advocate Shri B.P. Gupta seeks permission to withdraw the petition.

6. Learned advocate Shri Gupta is permitted to withdraw the petition. The petition stands disposed of

as withdrawn. Rule is discharged with no order as to costs subject to the aforestated observations.

(A.R. DAVE, J.)

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